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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,893	02/12/2002	Mikio Watanabe	0905-0271P	3564

2292 7590 08/07/2006

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EXAMINER	
NGUYEN, CAO H	

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/072,893	WATANABE ET AL.	
	Examiner	Art Unit	
	Cao (Kevin) Nguyen	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 November 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final. 2nd

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Request for Continued Examination

This Office action is responsive to the Request for Continued Examination (RCE) filed under 37 CFR §1.53(d) for the instant application on 11/28/05. Applicants have properly set forth the RCE, which has been entered into the application, and an examination on the merits follows herewith.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being obvious over Sato (US Patent No. 6,515,704) in view of Shiohara (US Patent No. 6,618,553).

Regarding claim 1, Sato discloses a system comprising a digital still camera and an image data receiving apparatus, wherein said digital still camera includes: an image sensing device

configured to sense an image of a subject and outputting main-image data representing the image of the subject (see col. 4, lines 10-30); a recording controller configured to record the main-image data output from said image sensing device on a recording medium in association with an identification code that identifies the image of the subject (see col. 5, lines 25-45 and figure 5); a thumbnail-image data generating device configure to generate thumbnail-image data that represents a thumbnail image the amount of data whereof is less than that of the image of the subject represented by the main-image data output from and said image sensing device (see col. 4, lines 32-63); a thumbnail-image data transmitting device configured to transmit wirelessly the thumbnail-image data generated by said thumbnail-image data generating device to said image data receiving apparatus in association with the identification code that corresponds to the corresponding image of the subject (see col. 5, lines 10-45); however, Sato fails to explicitly teach said image data receiving apparatus includes an image data receiving device configured to receive wirelessly the thumbnail-image data transmitted from said thumbnail-image data generating device of said digital still camera and with which the identification code has been associated; and a display controller configured to control a display device in such a manner that the controlling a display thumbnail image represented by the thumbnail-image data received by said image data receiving device will be displayed in association with the corresponding identification code.

Shiohara discloses image data receiving apparatus includes an image data receiving device configured to receive wirelessly the thumbnail-image data transmitted from said thumbnail-image data generating device of said digital still camera and with which the identification code has been associated; and a display controller configured to control a display

device in such a manner that the controlling a display thumbnail image represented by the thumbnail-image data received by said image data receiving device will be displayed in association with the corresponding identification code (..compressing /decompressing processing and performing reduction processing for preparing thumbnail image, an interface used to transfer data from external system; see col. 4, lines 1-65). It would have been obvious to one of an ordinary skill in the art, having teachings of Sato and Shiohara before him at the time the invention was made, to modify an image data receiving device configured to receive wirelessly the thumbnail-image data transmitted from said thumbnail-image data generating device of said digital still camera and with which the identification code has been associated of Shiohara to include image sensing device configured to sense an image of a subject, as taught by Sato. One would have been motivated to make such a combination in order to provide the image data transmitted from the digital camera to the image data receiving device is thumbnail image data that contains less compressing/decompressing data than the original thumbnail-image data. It takes less time when transferring image data.

Regarding claim 2, Shiohara discloses data receiving apparatus further includes a code input device; and an output device for reading main-image data, which corresponds to the identification code entered from said identification code input device, from the recording medium and outputting the main-image data (see col. 5, lines 20-62).

Regarding claim 3, Shiohara discloses, wherein said image data receiving apparatus further includes: a user code input device for entering a code that specifies a user; a user code discriminating device for determining whether the user code entered from said user code input

device is legitimate; and a printer controller for controlling a printer in such a manner that the image of a subject represented by main-image data output from said output device will be printed in response to a determination by said user code discriminating device that the entered user code is legitimate (see col. 6, lines 42-65 and figure 4).

Claim 4 differs from claim 1 in that "discloses an image sensing device for sensing the image of a subject and outputting main-image data representing the image of the subject; a first recording controller for recording the main-image data output from said image a recording medium in association with sensing device on an identification code that identifies the image of the subject obtained by said image sensing device; a thumbnail-image data generating device for generating thumbnail-image data that represents a thumbnail image the amount of data whereof is less than that of the image of the subject represented by the main-image data output from said image sensing device; and a thumbnail-image data transmitting device for transmitting the thumbnail-image data generated by said thumbnail-image data generating device to an image data receiving apparatus in association with the identification code that corresponds to the corresponding image of the subject an image sensing device for sensing the image of a and a thumbnail-image data transmitting device for transmitting the thumbnail-image data generated by said thumbnail-image data generating device to an image data receiving apparatus in association with the identification code that corresponds to the corresponding image of the subject." which read on Sato see col. 6, lines 15-67). One would have been motivated to make such a combination in order to enable a user for transferring a thumbnail image wirelessly to the recipient for viewing all the images by associating appropriately ID code to operating image of the subject that corresponding to the image object display on device.

Regarding claim 5, Shiohara discloses an image-sensing controller for allowing succeeding sensing of the image of a subject by said image sensing device in response to completion of recording of the main-image data on the recording medium by said first recording controller and of transmission of the thumbnail-image data by said thumbnail-image data transmitting device (see col. 8, lines 22-57). One would have been motivated to make such a combination in order to provide the image data transmitted from the digital camera to the image data receiving device is thumbnail image data that contains less compressing/decompressing data than the original thumbnail-image data. It takes less time when transferring image data.

Regarding claim 6, Sato discloses said first recording controller recording the main-image data on the recording medium in response to pressing of a shutter-release button; said camera further comprising: a buffer memory for temporarily storing main-image data that is output from said image sensing device; a first discriminating device for determining whether the shutter-release button has been pressed during transmission of thumbnail-image data by said thumbnail-image data transmitting device (see figures 8-9); a memory controller for controlling said buffer memory in such a manner that main-image data that is output from said image sensing device is stored in said buffer memory temporarily in response to a determination by said first discriminating device that the shutter-release button has been pressed (see col. 4, lines 32-51); and a second recording controller for recording the main-image data, which has been stored temporarily in said buffer memory, on the recording medium in response to a determination that transmission of thumbnail-image data by said thumbnail-image data has been completed (see col. 4, lines 1-29 and figures 1-3).

As claims 7-12 are analyzed as previously discussed with respected to claims 1-6 above.

Claims 13-14 differ from claims 1 and 4 in that "a method of controlling operation of an image data transmitting apparatus, comprising the steps of receiving data representing an identification code transmitted from an image data receiving apparatus; reading main-image data, which corresponds to an identification code represented by received identification-code data, from a recording medium on which has been recorded the main-image data with which the identification code is associated; and transmitting the read main-image data to said image data receiving apparatus" which read on Shiohara; see col. 6, lines 8-65 and figures 9-11. It would have been obvious to one of an ordinary skill in the art, having teachings of Sato and Shiohara before him at the time the invention was made, to modify an image data receiving device configured to receive wirelessly the thumbnail-image data transmitted from said thumbnail-image data generating device of said digital still camera and with which the identification code has been associated of Shiohara to a buffer memory for temporarily storing main-image data that is output from said image sensing device, as taught by Sato. One would have been motivated to make such a combination in order to provide the image data transmitted from the digital camera to the image data receiving device is thumbnail image data that contains less compressing/decompressing data than the original thumbnail-image data. It takes less time when transferring thumbnail image data.

Regarding claims 15-16, Sato discloses wherein the main-image data is recorded in an image file and the ID code is recorded in a header of the image file (see col. 6, lines 1-29).

Regarding claims 17-18, Sato discloses wherein the ID code associated with the thumbnail-image data is recorded (see col. 5, lines 10-45).

Regarding claims 19 and 20, Sato discloses wherein the identification code associated with the thumbnail-image data is recorded in a header of an image file wherein a main-image data related to the thumbnail-image data is recorded in the image file (see col. 10, lines 20-37).

As claims 21-24 are analyzed as previously discussed with respect to claims 13-24.

Response to Arguments

Applicant's arguments filed on 11/28/05 have been fully considered but they are not persuasive.

The new ground rejection has been applied and discussed to the limitations claimed as above.

Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cao (Kevin) Nguyen
Primary Examiner
Art Unit 2173

08/01/06